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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3761

P&G Case CM1987Q

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
Vincenzo D'Acchioli et al. : Confirmation No. 8836
Serial No. 09/720,180 : Group Art Unit 3761
Filed December 20, 2000 : Examiner Catharine L. Anderson
For Adhesive Urine Collector

RESPONSE TO OFFICE ACTION DATED DECEMBER 4, 2002

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Claims 1-5 are rejected under 35 USC §102(b) as anticipated by Schneider et al. (5,417,677). Claims 7-9 are rejected under 35 USC §103(a) over Schneider et al. Applicants respectfully traverse.

The claimed invention requires a device comprising a flexible bag having an inner lining. An absorbent material is disposed on the inner lining.

In contrast, Schneider et al. teaches an ostomy pouch having side walls 11, 12 which form an interior chamber. An external membrane 15 is secured to the side walls and defines a pocket. The interior chamber/side walls may be analogized to Applicants' flexible bag.

The embodiment of Fig. 3 of Schneider et al. discloses a tissue layer 25 may be used for the pH-modifying material 24. The tissue layer is neither contained in a flexible bag, as required by the instant claims, nor is the tissue layer disposed on the inner lining of such a flexible bag, as required by the instant claims. Instead, the Schneider et al. tissue layer is external to the bag and disposed between side wall 12 and membrane 15. Schneider et al. is structurally different than the claimed invention.

The claimed invention provides the benefit that the recited absorbent material may be used to absorb body exudates within the bag cavity. In contrast, the Schneider et al. tissue layer is only useful to "dissolve the pouch" (1:46). The Schneider et al. absorbent does not contact the body waste of the user and therefore cannot provide the benefits of the claimed invention.

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Schneider et al. is constructing a structure aimed at a different purpose – disposal. Accordingly, Schneider et al. does not anticipate the claimed invention.

The Examiner is respectfully requested to reconsider Claims 1-9 and withdraw the rejections under 35 USC §102-103.

Respectfully submitted,



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Date: January 6, 2003

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